

Chapter 5: Violations of Vehicle Sanctions

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This chapter contains information about the penalties imposed on persons who violate vehicle sanctions imposed for offenses under Vehicle Code §625 and §904.

Note: Attempted violations of law must be treated as completed offenses for purposes of imposing licensing and vehicle sanctions under the Vehicle Code. Attempted violations of the Vehicle Code or a substantially corresponding local ordinance must be treated as completed offenses for purposes of imposing criminal penalties. See MCL 257.204b, discussed at Sections 1.2(B) and 7.1 of this volume.

5.1 Ignition Interlock Device Violations — §625l(2)–(3)

An ignition interlock device measures alcohol concentration in a driver's breath. It prevents a motor vehicle from being started at any time without first determining the driver's breath alcohol level through a deep lung sample. The system is calibrated so that the vehicle may not be started if the breath alcohol level of the driver measures a level of 0.025 grams per 210 liters of breath. MCL 257.625l(6).

Effective October 1, 1999, ignition interlock devices must be installed on the vehicles of drunk drivers whose licenses are reinstated after a period of denial or revocation imposed under MCL 257.303(5)(c), (d), or (g). MCL 257.322(6). For more information on this issuance of licenses with such a restriction, see Section 2.10(C) of this volume.

This section addresses the criminal penalties imposed for prohibited activities related to ignition interlock devices, which are as follows:

- ♦ **Requesting another person to blow into an interlock device.** MCL 257.625l(2) provides:

“A person who has an ignition interlock device installed and whose driving privilege is restricted shall not request or solicit any other person to blow into an ignition interlock device or to start a vehicle equipped with the

device for the purpose of providing the person whose driving privilege is restricted with an operable vehicle.”

- ♦ **Blowing into another person’s interlock device.** MCL 257.625l(3) states:

“A person shall not blow into an ignition interlock device or start a motor vehicle equipped with the device for the purpose of providing an operable vehicle to a person who has an interlock device installed and whose driving privilege is restricted.”

- ♦ **Tampering with an interlock device.** MCL 257.625l(4) states:

“A person shall not tamper with or circumvent the operation of an ignition interlock device.”

Violation of any of the foregoing provisions is subject to misdemeanor sanctions of up to six months’ imprisonment and/or a maximum \$5,000.00 fine. MCL 257.625l(5).

No license or vehicle sanctions are imposed for a violation of 257.625l.

5.2 Immobilization Violations — §904e(2)–(4)

This section addresses the criminal penalties imposed for violation of a court order for immobilization* of a vehicle under MCL 257.904e(2)–(4). The statute prohibits the following activities:

- ♦ **Selling or transferring the immobilized vehicle to a person exempt from paying use tax.** MCL 257.904e(2) states:

“A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under [MCL 205.93(3)(a)], without a court order.”

Transfers exempt from use tax under MCL 205.93(3)(a) occur when the transferee or purchaser has one of the following relationships to the transferor: spouse, mother, father, brother, sister, child, stepparent, stepchild, stepbrother, stepsister, grandparent, grandchild, legal ward, or a legally appointed guardian with a certified letter of guardianship.

- ♦ **Purchasing or leasing another vehicle during the immobilization period.** MCL 257.904e(3) states:

“A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase,

*Procedures for vehicle immobilization are addressed in Section 2.11(A) of this volume.

lease, or otherwise obtain a motor vehicle during the immobilization period.”

♦ **Removing, tampering with, or bypassing an immobilization device, or attempting to do so.** MCL 257.904e(4) states:

“A person shall not remove, tamper with, or bypass or attempt to remove, tamper with, or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order for vehicle immobilization”

♦ **Operating an immobilized vehicle, or attempting to do so.** MCL 257.904e(4) states:

“A person shall not . . . operate or attempt to operate a vehicle that he or she knows or has reason to know has been ordered immobilized.”

Violation of any of the above prohibitions is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both. MCL 257.904e(5).

There are no licensing or vehicle sanctions imposed for violation of this statute. However, if a peace officer stops a vehicle that is being operated in violation of an immobilization order, the vehicle shall be impounded pending a court order. MCL 257.904e(7).

5.3 Transfer of a Vehicle to Avoid Forfeiture

MCL 257.625n(10) states:

“A person who knowingly conceals, sells, gives away, or otherwise transfers or disposes of a vehicle with the intent to avoid forfeiture or return of the vehicle to the lessor under [§625n of the Vehicle Code] is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.”

For discussion of forfeiture proceedings, see Section 2.11(B) of this volume.

*See Section 2.11 of this volume on procedures for immobilization, forfeiture, and registration denial. Section 2.5 of this volume addresses procedures for registration plate confiscation.

5.4 Obtaining or Transferring a Vehicle to Circumvent Vehicle or License Sanctions — §233

MCL 257.233 contains five prohibitions on transactions intended to circumvent vehicle* or license sanctions. Three of these prohibitions target the acquisition of vehicles; two target the transfer of vehicles.

A. Unlawful Acquisition of a Vehicle

♦ **Unlawful purchase or lease of a vehicle to circumvent immobilization.** MCL 257.233(2) states:

“A person shall not purchase or lease another vehicle or an interest in another vehicle with the intent to circumvent the restrictions created by immobilization of a vehicle under this act.”

Persons who violate this provision are subject to misdemeanor sanctions consisting of imprisonment for not more than one year or a fine of not more than \$1,000.00, or both. MCL 257.233(5). There are no licensing or vehicle sanctions imposed for violation of this provision.

♦ **Unlawful acquisition of a vehicle following license suspension, revocation, or denial.** MCL 257.233(6) states:

“A person whose operator’s or chauffeur’s license is suspended, revoked, or denied for, or who has never been licensed by this state and was convicted for, a third or subsequent violation of section 625 or 625m or a local ordinance substantially corresponding to section 625 or 625m or a fourth or subsequent suspension or revocation under section 904 shall not purchase, lease, or otherwise acquire a motor vehicle during the suspension, revocation, or denial period. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both. This subsection takes effect June 1, 2000.”

♦ **Holder of assigned plates fails to produce old registration certificate or certificate of title upon application for new registration certificate.** MCL 257.233(7) states:

“If the assigned holder of registration plates applies for a new registration certificate, the application shall be accompanied either by the old registration certificate or by a certificate of title showing the person to be the assigned holder of the registration plates for which the old registration certificate had been issued.”

Failure to comply with the foregoing requirements is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both. MCL 257.233(7).

B. Unlawful Transfer of a Vehicle

- ♦ **Transfer to avoid forfeiture.** MCL 257.233(3) states:

“A person shall not transfer or attempt to transfer ownership or right of possession of a vehicle subject to forfeiture or ordered forfeited under this act with the intent to avoid the forfeiture of that vehicle.”

- ♦ **Transfer of a vehicle subject to vehicle sanctions to a person exempt from use tax.** MCL 257.233(4) states:

“During the time a vehicle is subject to a temporary registration plate, vehicle forfeiture, immobilization, registration denial, or the period from adjudication to immobilization or forfeiture under this act, a person shall not without a court order transfer or assign the title or an interest in the vehicle to a person who is not subject to payment of a use tax under [MCL 205.93].”

Transfers not subject to use tax under MCL 205.93 occur when:

- The transferee or purchaser has one of the following relationships to the transferor: spouse, mother, father, brother, sister, child, stepparent, stepchild, stepbrother, stepsister, grandparent, grandchild, legal ward, or a legally appointed guardian with a certified letter of guardianship.
- The transfer is a gift to a beneficiary in the administration of an estate.
- The vehicle has once been subjected to Michigan sales or use tax and is transferred in connection with the organization, reorganization, dissolution, or partial liquidation of an incorporated or unincorporated business and the beneficial ownership is not changed.
- An insurance company licensed to conduct business in this state acquires ownership of a late model distressed vehicle as defined in MCL 257.12a, through payment of damages in response to a claim or when the person who owned the vehicle before the insurance company reacquires ownership from the company as part of the settlement of a claim.

Persons who violate one of the above prohibitions are subject to misdemeanor sanctions consisting of imprisonment for not more than one year or a fine of not more than \$1,000.00, or both. MCL 257.233(5). There are no licensing or vehicle sanctions imposed for violation of these provisions.